

### **REMARKS**

Claims 1-13 are now pending in the application. Claims 1-9 are rejected (it is believed that the Examiner intended to include claim 10). The Examiner is respectfully requested to reconsider and withdraw the rejections in view of the amendments and remarks contained herein. Claims 11-13 are new.

### **INTERVIEW SUMMARY**

Applicants thank the examiner for the courtesies extended to their representative during a telephone interview on April 6, 2005. During the interview Japanese reference JP207 was discussed in view of proposed claim amendments. The examiner indicated that he would request a translation of this reference but could not see on its face the disclosure of features in proposed amended claims 1 and 5.

### **SPECIFICATION AMENDMENTS**

The specification has been amended to correct minor typographical errors and does not add new matter.

### **REJECTION UNDER 35 U.S.C. § 103**

Claims 1-9 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Japanese 11-223207 ("JP207") in view of Mizuno et al. (U.S. Pat. No. 6,443,678) and further in view of Bodin (U.S. Pat. No. 6,146,076). This rejection is respectfully traversed.

Independent claims 1 and 5 have been amended to more clearly define patentable subject matter over the cited references. Claim 1 has been amended to more positively reflect that the internally threaded portion has "a plurality of external surfaces defining an

external nut shape." None of the cited references, either individually or in combination, teach or suggest this feature. Specifically, reference JP207 does not teach or suggest that the internally threaded portion (i.e., nut) has a plurality of external surfaces or that the external surfaces define an external nut shape. Nor does Mizuno or Bodin teach or suggest this feature.

The feature of having a plurality of external surfaces defining an external nut shape advantageously prevents rotation of the internally threaded portion in relation to the hollow tubular portion.

Similarly, claim 5 has been amended to more positively reflect that the internally threaded portion defines "a plurality of external surfaces comprising planar surfaces interconnected between curved surfaces which are configured to be fixably coupled to a plurality of internal surfaces of the through bore." Again, none of the cited references, either individually or in combination, teach or suggest this feature. Further, the feature of having the planar surfaces interconnected between curved surfaces allows for greater thickness of the tubular portion around the threaded portion. This distinguishing feature is an advantage over a traditional hexagonal nut shape, for example. Therefore, none of the cited references either individually or in combination teach or suggest all of the limitations of independent claims 1 and 5. For this reason Applicants respectfully request that the examiner reconsider and withdraw the rejection of Claims 1 – 10 under 35 U.S.C. § 103(a) as allegedly being unpatentable over JP207 in view of Mizuno and further in view of Bodin.

New claims 11-13 are also directed to an elastic fastener comprising "an internally threaded portion having a plurality of external planar surfaces that mate with a

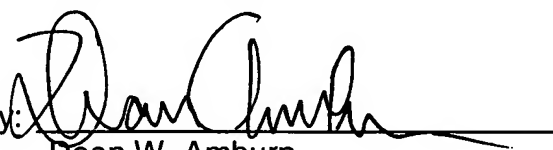
corresponding plurality of surfaces of the tubular portion." This too is distinguishable from the cited references. Further, claim 11 provides that the tubular portion and the threaded portion are "fused." None of the cited references teach or suggest fused components that make up the structure of the fastener. Therefore, it is believed that new claims 11-13 contain patentable subject matter.

#### CONCLUSION

It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request that the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office Action, and as such, the present application is in condition for allowance. Thus, prompt and favorable consideration of this amendment is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (248) 641-1243.

Respectfully submitted,

Dated: April 7, 2005

By:   
Dean W. Amburn  
Reg. No. 46,517

HARNESS, DICKEY & PIERCE, P.L.C.  
P.O. Box 828  
Bloomfield Hills, Michigan 48303  
(248) 641-1600

DWA/jm